

Message Text

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ACTION EUR-12

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 6098

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E.O. 11652: N/A

TAGS: MARR, CA

SUBJ: NORAD AGREEMENT

REF: OTTAWA 699

SUMMARY: GOC HAS PROVIDED EMBASSY WITH DRAFT NORAD AGREEMENT WITH REQUEST THAT US COMMENTS BE RECEIVED AS SOON AS POSSIBLE. END SUMMARY.

1. ON APR 9 EXTERNAL AFFAIRS DIRECTOR, DEFENCE RELATIONS, CHARLES MARSHALL SUMMONED EMBOFF TO PROVIDE CANADIAN DRAFT NORAD AGREEMENT IN FORM OF NOTE FROM CANADIAN AMBASSADOR WASHINGTON TO SECTATE. THIS DRAFT IS AS FOLLOWS:

BEGIN TEXT

"I HAVE THE HONOUR TO REFER TO DISCUSSIONS WHICH HAVE TAKEN PLACE BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS REGARDING FUTURE COOPERATION BETWEEN CANADA AND THE UNITED STATES OF AMERICA IN THE JOINT DEFENCE OF NORTH AMERICA. OUR GOVERNMENTS REMAIN CONVINCED THAT SUCH COOPERATION CONDUCTED WITHIN THE FRAMEWORK OF THE NORTH ATLANTIC TREATY, REMAINS VITAL TO THEIR MUTUAL SECURITY, COMPATIBLE WITH THEIR NATIONAL INTERESTS AND AN IMPORTANT ELEMENT OF THEIR CONTRIBUTION TO THE

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OVERALL SECURITY OF THE NATO AREA.

"AS NEIGHBOURS AND ALLIES WITHIN NORTH AMERICA, OUR TWO GOVERNMENTS HAVE ACCEPTED SPECIAL RESPONSIBILITIES FOR THE SECURITY OF THE CANADIAN-UNITED STATES REGION OF NATO AND IN FULFILLING THESE RESPONSIBILITIES, HAVE ENTERED INTO A NUMBER OF BILATERAL ARRANGEMENTS TO FACILITATE JOINT DEFENCE ACTIVITIES. AMONG THESE, THE ARRANGEMENTS FOR INTEGRATED AIR DEFENCE EMBODIED IN THE NORTH AIR DEFENCE COMMAND HAVE PROVIDED, SINCE 1958, THE MEANS OF EXERCISING EFFECTIVE OPERATIONAL CONTROL OF THE FORCES ASSIGNED BY OUR TWO GOVERNMENTS TO THE AIR DEFENCE OF NORTH AMERICA.

"IN THE YEARS SINCE THE NORAD AGREEMENT WAS FIRST CONCLUDED, THERE HAVE BEEN SIGNIFICANT CHANGES IN THE CHARACTER OF STRATEGIC WEAPONS AND IN THE NATURE OF THE THREAT THEY POSE TO NORTH AMERICA. THE MOST IMPORTANT OF THESE CHANGES HAS BEEN THE MAJOR INCREASE IN THE NUMBER AND SOPHISTICATION OF STRATEGIC MISSILES TOGETHER WITH THE ACHIEVEMENT OF ROUGH PARITY IN THIS TYPE OF WEAPON BETWEEN THE TWO SUPER POWERS. ONE RESULT HAS BEEN THE ENHANCEMENT OF MUTUAL DETERRENCE. ANOTHER IS THAT WHILE LONG-RANGE BOMBERS CONTINUE TO POSE A THREAT TO NORTH AMERICA THERE HAS BEEN A RELATIVE DECREASE IN THEIR IMPORTANCE IN FAVOUR OF MISSILES WHICH NOW CONSTITUTE THE PRINCIPAL CONCERN IN STRATEGIC TERMS.

"IN LIGHT OF THESE DEVELOPMENTS, OUR TWO GOVERNMENTS RETAIN A COMMON INTEREST IN THE MAINTENANCE OF EFFECTIVE SURVEILLANCE AND CONTROL OF NORTH AMERICAN AIRSPACE AND IN PREVENTING ITS USE FOR PURPOSES DETRIMENTAL TO THE SECURITY OF NORTH AMERICA. ACCORDINGLY, EACH GOVERNMENT HAS DECIDED TO ESTABLISH A JOINT CIVIL-MILITARY SYSTEM FOR THE SURVEILLANCE AND CONTROL OF ITS AIRSPACE AND TO MAINTAIN WITHIN IT AN APPROPRIATE LEVEL OF MILITARY CAPABILITY.

"THE LARGE VOLUME OF AIR TRAFFIC FLOWING DAILY TO, FROM AND WITHIN NORTH AMERICA, MUCH OF IT ACROSS LIMITED OFFICIAL USE

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THE BORDER BETWEEN OUR TWO COUNTRIES, DICTATES THAT OUR NATIONAL AIRSPACE SURVEILLANCE AND CONTROL SYSTEMS BE COMPATIBLE WITH EACH OTHER AND REQUIRES A HIGH DEGREE OF COORDINATION BETWEEN THEIR MILITARY COMPONENTS. OUR GOVERNMENTS AGREE THAT THE NECESSARY COMMAND AND CONTROL ARRANGEMENTS CAN MOST EFFECTIVELY AND ECONOMICALLY BE PROVIDED BY THE CONTINUED OPERATION OF THE NORTH AMERICAN AIR DEFENCE COMMAND.

"IN ADDITION TO PERFORMING THE AIRSPACE SURVEILLANCE AND CONTROL FUNCTIONS RELATED TO AIR DEFENCE, NORAD WILL CONTINUE TO MONITOR SPACE ACTIVITIES OF STRATEGIC AND TACTICAL INTEREST. CANADIAN PARTICIPATION IN THE ACTIVITIES OF NORAD'S PASSIVE AEROSPACE WARNING SYSTEMS DOES NOT INVOLVE ANY COMMITMENT BY THE CANADIAN GOVERNMENT TO TAKE PART IN AN ACTIVE BALLISTIC MISSILE DEFENCE ARRANGEMENT.

"AS IN THE CASE OF ALL JOINT DEFENCE ACTIVITIES, THE FUTURE ACTIVITIES ENVISAGED FOR NORAD WILL REQUIRE THE CLOSEST COOPERATION BETWEEN AUTHORITIES OF OUR TWO GOVERNMENTS AND IT IS RECOGNIZED THAT THIS CAN ONLY BE ACHIEVED IN A MUTUALLY SATISFACTORY WAY IF FULL AND MEANINGFUL CONSULTATION IS CARRIED OUT ON A CONTINUING BASIS. OUR TWO GOVERNMENTS THEREFORE UNDERTAKE TO ENSURE THAT SUCH CONSULTATION TAKES PLACE.

"ON THE BASIS OF OUR COMMON APPRECIATION OF THE CIRCUMSTANCES DESCRIBED AND OF THE EXPERIENCE GAINED SINCE THE INCEPTION OF NORAD, MY GOVERNMENT PROPOSES THAT THE FOLLOWING PRINCIPLES SHOULD GOVERN THE FUTURE ORGANIZATION AND OPERATIONS OF THE NORTH AMERICAN AIR DEFENCE COMMAND:

1. THE COMMANDER-IN-CHIEF, NORAD (CINC NORAD), WILL BE RESPONSIBLE TO THE CHIEF OF DEFENCE STAFF OF CANADA AND THE JOINT CHIEFS OF STAFF OF THE UNITED STATES, WHO IN TURN ARE RESPONSIBLE TO THEIR RESPECTIVE GOVERNMENTS. HE WILL OPERATE WITHIN A CONCEPT OF AIR DEFENCE APPROVED BY THE APPROPRIATE AUTHORIZED OFFICIAL USE

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THROTTLES OF OUR TWO GOVERNMENTS, WHO WILL BEAR IN MIND THEIR OBJECTIVES IN THE DEFENCE OF THE CANADA-UNITED STATES REGION OF THE NATO AREA.

2. THE NORTH AMERICAN AIR DEFENCE COMMAND WILL INCLUDE SUCH COMBAT UNITS AND INDIVIDUALS AS ARE SPECIFICALLY ALLOCATED TO IT BY THE TWO GOVERNMENTS. THE JURISDICTION OF THE COMMANDER-IN-CHIEF, NORAD, OVER THOSE UNITS AND INDIVIDUALS IS LIMITED TO OPERATIONAL CONTROL AS HEREINAFTER DEFINED.

3. 'OPERATIONAL CONTROL' IS THE POWER TO DIRECT, COORDINATE, AND CONTROL THE OPERATIONAL ACTI-

VITIES OF FORCES ASSIGNED, ATTACHED, OR OTHER-
WISE MADE AVAILABLE. NO PERMANENT CHANGES OF
STATION WOULD BE MADE WITHOUT APPROVAL OF THE
HIGHER NATIONAL AUTHORITY CONCERNED. TEMPORARY
REINFORCEMENT FROM ONE AREA TO ANOTHER, IN-
CLUDING THE CORSSING OF THE INTERNATIONAL
BOUNDARY, TO MEET OPERATIONAL REQUIREMENTS
WILL BE WITHIN THE AUTHROITY OF COMMANDERS
HAVING OPERATIONAL CONTROL. THE BASIC
COMMAND ORGANIZATION FOR THE DEFENCE FORCES
OF THE TWO COUNTRIES, INCLUDING ADMINIS-
TRATION, DISCIPLINE, INTERNAL ORGANIZATION,
AND UNIT TRAINING, SHALL BE EXERCISED BY
NATIONAL COMMANDERS RESPONSIBLE TO THEIR
NATIONAL AUTHORITIES.

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4. THE APPOINTMENT OF CINCNORAD AND HIS DEPUTY
MUST BE APPROVED BY THE CANADIAN AND UNITED
STATES GOVERNMENTS. THEY WILL NOT BE FROM
THE SAME COUNTRY, AND THE CINCNORAD STAFF
SHALL BE AN INTEGRATED JOINT STAFF COMPOSED
OF OFFICERS OF BOTH COUNTRIES. DURING THE
ABSENCE OF CINCNORAD, COMMAND WILL PASS TO
THE DEPUTY COMMANDER.

5. THE NORTH ATLANTIC TREATY ORGANIZATION WILL
CONTINUE TO BE KEPT INFORMED THROUGH THE

CANADA-UNITED STATES REGIONAL PLANNING GROUP
OF ARRANGEMENTS FOR THE AIR DEFENCE OF NORTH
AMERICA.

6. THE PLANS AND PROCEDURES TO BE FOLLOWED BY
NORAD IN WARTIME SHALL BE FORMULATED AND
APPROVED BY APPROPRIATE NATIONAL AUTHORITIES
AND SHALL BE CAPABLE OF RAPID IMPLEMENTATION
IN AN EMERGENCY. ANY PLANS OR PROCEDURES
RECOMMENDED BY NORAD WHICH BEAR ON THE
RESPONSIBILITIES OF CIVILIAN DEPARTMENTS
OR AGENCIES OF THE TWO GOVERNMENTS SHALL BE
REFERRED FOR DECISION BY THE APPROPRIATE
MILITARY AUTHORITIES TO THOSE AGENCIES AND
DEPARTMENTS AND MAY BE THE SUBJECT OF INTER-
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GOVERNMENTAL COORDINATION THROUGH AN APPROPRI-
ATE MEDIUM SUCH AS THE PJBD.

7. TERMS OF REFERENCE FOR CINCNORAD AND HIS DEPUTY
WILL BE CONSISTENT WITH THE FOREGOING PRINCIPLES.
CHANGES IN THESE TERMS OF REFERENCE MAY BE
MADE BY AGREEMENT BETWEEN THE CANADIAN CHIEF
OF DEFENCE STAFF AND THE UNITED STATES JOINT
CHIEFS OF STAFF, WITH APPROVAL OF HIGHER AU-
THORITY, AS APPROPRIATE, PROVIDED THAT THESE
CHANGES ARE IN CONSONANCE WITH THE PRINCIPLES SET
OUT IN THIS NOTE.

8. THE FINANCING OF EXPENDITURES CONNECTED WITH
THE OPERATION OF THE INTEGRATED HEADQUARTERS
OF THE NORTH AMERICAN AIR DEFENCE COMMAND WILL
BE ARRANGED BY MUTUAL AGREEMENT BETWEEN AP-
PROPRIATE AGENCIES OF THE TWO GOVERNMENTS.

9. THE AGREEMENT BETWEEN PARTIES TO THE NORTH
ATLANTIC TREATY REGARDING THE STATUS OF THEIR
FORCES SIGNED IN LONDON ON JUNE 19, 1951,
SHALL APPLY.

10. THE RELEASE TO THE PUBLIC OF INFORMATION BY
CINCNORAD ON MATTERS OF INTEREST TO CANADA
AND THE UNITED STATES OF AMERICA WILL IN ALL
CASES BE THE SUBJECT OF PRIOR CONSULTATION
AND AGREEMENT BETWEEN APPROPRIATE AGENCIES OF
THE TWO GOVERNMENTS.

"IF THE GOVERNMENT OF THE UNITED STATES OF AMERICA CON-
CURS IN THE CONSIDERATIONS AND PROVISIONS SET OUT HEREIN,

I PROPOSE THAT THIS NOTE AND YOUR REPLY TO THAT EFFECT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS, EFFECTIVE FROM THE DATE OF YOUR REPLY. THIS AGREEMENT WILL SUPERSEDE THE AGREEMENT ON THE NORTH AMERICAN AIR DEFENCE COMMAND CONCLUDED IN WASHINGTON, D.C. ON MAY 12, 1958 AND SUBSEQUENTLY RENEWED IN 1968 AND 1973.

"/THE PRESENT AGREEMENT WILL REMAIN IN EFFECT FOR LIMITED OFFICIAL USE

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AN INDEFINITE PERIOD BUT MAY BE REVIEWED AT ANY TIME AT THE REQUEST OF EITHER PARTY AND MAY BE TERMINATED BY EITHER GOVERNMENT FOLLOWING A PERIOD OF NOTICE OF ONE YEAR./

OR

"/THE PRESENT AGREEMENT WILL REMAIN IN EFFECT FOR A PERIOD OF FIVE YEARS DURING WHICH ITS TERMS MAY BE REVIEWED AT ANY TIME UPON THE REQUEST OF EITHER PARTY."

"ACCEPT SIR, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION". END TEXT

2. IN SUBMITTING DRAFT AGREEMENT, MARHSALL COMMENTED THAT CANADIAN PROCEDURES WOULD REQUIRE THAT US AND CANADA HAVE AGREED TO FINAL LANGUAGE PRIOR TO APRIL 24. FOLLOWING POINTS WERE ALSO MADE:

A) CANADA HAS ALTERED SOMEWHAT OPENING PARAGRAPHS LARGELY FOR COSMETIC REASONS AND TO "MODERNIZE" GENERAL TENOR OF AGREEMENT.

B) ADDED EMPHASIS HAS BEEN GIVEN TO AIRSPACE AND SURVEILLANCE CONTROL SYSTEMS SINCE THIS ASPECT IS POPULAR IN CANADA AND DOES REFLECT GENUINE IMPROVEMENT OVER PAST SYSTEMS.

C) NOT UNTIL THE SIXTH PARAGRAPH OF DRAFT AGREEMENT DOES CANADA DISCUSS AEROSPACE ACTIVITIES AND IN GENERAL CANADA HAS KEPT WITH "AIR DEFENCE" TERMINOLOGY SINCE IT IS GOC VIEW THAT THIS WILL MAKE AGREEMENT MORE POLITICALLY PALATABLE IN CANADA.

D) TIME FRAME FOR NEW AGREEMENT (LAST PARAGRAPH OF DRAFT) NOT YET DECIDED IN GOC AND MAY BE UNCERTAIN UP TO MOMENT THAT CABINET MAKES FINAL DECISION. ALSO, GOC DID NOT THINK TIME FRAME SHOULD BE PLACED UNDER "PRINCIPLES" SECTION OF AGREEMENT WHERE IT HAD BEEN PLACED PREVIOUSLY.

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E) CANADA SPECIFICALLY DID NOT INCLUDE A
"UNILATERAL ACTION" CLAUSE ALTHOUGH IT IS AWARE THAT
THE U.S. MIGHT HAVE INTEREST IN SUCH. PRESUMABLY
THIS WOULD BE ITEM FOR NEGOTIATION.

3. IN CONCLUDING, MARSHALL MENTIONED THAT SUBSTANCE
OF AGREEMENT NOT CHANGED MUCH AND THAT CANADA
MAY STILL HAVE SOME MINOR WORD CHANGES TO MAKE BEFORE
FINAL AGREEMENT IS SIGNED. HE HOPED TO HAVE U.S.
COMMENTS AS SOON AS POSSIBLE SO THAT A DECISION COULD
BE MADE WHETHER A NEGOTIATION SESSION WOULD BE
NECESSARY OR WHETHER FINAL TEXT COULD BE AGREED UPON
THROUGH PRESENT CHANNELS.

4. COMMENT: EMBASSY WOULD APPRECIATE U.S. VIEWS ASAP
SO THAT THEY MAY BE COMMUNICATED TO CANADIAN GOVERNMENT.
LATTER DOES SEEM PARTICULARLY INTERESTED IN SIGNING
AGREEMENT ON SCHEDULE IN WASHINGTON AND DOES NOT WISH
TO MAKE MUCH FUSS OVER SIGNATURE.
PORTER

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